

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

Jeffrey Terry,

Plaintiff,

vs.

Merchants and Medical Credit
Corporation, Inc.,
a Michigan corporation,

Defendant.

Case No.:

COMPLAINT

JURY TRIAL DEMAND

NOW COMES THE PLAINTIFF, JEFFREY TERRY, BY AND THROUGH
COUNSEL, Jacqueline Piland, and for his Complaint against the Defendants, pleads
as follows:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act
("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

VENUE

2. The transactions and occurrences which give rise to this action occurred in the City of Valdosta, Lowndes County, Georgia.
3. Venue is proper in the Middle District of Georgia, Valdosta Division.

PARTIES

4. Plaintiff is a natural person residing in City of Valdosta, Lowndes County, Georgia.
5. The Defendant to this lawsuit, Merchants and Medical Credit Corporation, Inc. (“Merchants”), is a Michigan corporation that maintains its principal office in Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt initially owed by Plaintiff to Surgical Associates Valdosta in the amount of \$494.00 (“the Alleged Debt”).
7. On July 9, 2018, Plaintiff obtained his Equifax credit disclosure and noticed the Alleged Debt reporting.
8. On or about August 28, 2018, Plaintiff submitted a letter to Defendant disputing the Alleged Debt.

9. On October 14, 2018, Capital One Bank USA, a prospective lender, obtained Plaintiff's Equifax credit disclosure.
10. On October 22, 2018, Plaintiff obtained his Equifax credit disclosure which showed that Defendant failed or refused to flag the Alleged Debt as disputed, in violation of the FDCPA.
11. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.
12. Defendant had more than ample time to instruct Equifax to flag its tradeline as disputed.
13. Defendant's inaction to have its tradeline on Plaintiff's credit reports flagged as disputed was either negligent or willful.
14. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. His credit report continues to be damaged due to the Defendant's failure to properly report the associated tradeline.

VIOLATION OF
THE FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

17. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

19. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e by using false representations or misrepresenting the Alleged Debt by reporting credit information which is known to be false, including failure to report a disputed debt as disputed.

20. To date, and as a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score. Defendant has willfully continued to report false information on the Plaintiff's credit report.

21. Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages;
- c. Statutory costs and attorneys' fees; and
- d. Exemplary and Punitive Damages for Defendant's willful violation of the Fair Debt Collection Practices Act.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

DATED: December 19, 2018

By: /s/ Jacqueline Piland
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